

Appl. No. 09/598,110
Amdt. dated February 15, 2005
Reply to Office action of 10/18/2004

REMARKS/ARGUMENTS

Claim 6 is now plain in the application that Applicant's written claim 6 in independent form and overcome the rejection of the Examiner. The claims are rejected under 35 U.S.C. § 102 as being anticipated by Buckner Patent No. 5,735,544.

Rejection under 102 with Buckner is not understood and the claims, even previous to amendment, are not shown or even vaguely intimated by Buckner. Buckner is a page turning device being mounted on the end of a cylindrical writing instrument such as a pencil. In no instance does the Buckner claim show describer even vaguely intimate a sport specific training and conditioning device. For a sport specific training and conditioning device having a handle implement having a grip portion, the device comprises a handle shaped like the grip portion of the implement. Nor does Buckner show a device which weighs more than the hand held implement used in the sport, all required by claim 6. There is no sport of which Applicant is aware of in which turning the pages of a document is involved. The claim 6 as presented is not even vaguely intimated by the Buckner device.

Piccini Patent No. 4,378,113 does not show or even vaguely intimate Applicant's invention as now claimed. In the '113 patent, the hollow chamber 10 of the device is partially filled with non-gaseous flowable material 12, preferably water. Since the device is filled with water, it moves within the chamber 10, changing the physics of the device.

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device. Applicant's claim now requires the center has to be fixed, and consequently, is distinguished from the Piccini patent both under 35 U.S.C. § 102 and 35 U.S.C. § 103.

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present applicant is in condition for allowance.

Entrance of the amendment and passage of the case to issue are therefore respectfully requested. If the Examiner believes that personal communication will expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (314) 238-2400.

Respectfully submitted,



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